

REMARKS

In an Office Action mailed on January 26, 2005, claims 39, 40, 41, 44 and 45 were rejected under 35 U.S.C. § 102(e) as being anticipated by Zhang; claims 1 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Bailey; and claims 14, 21, 27, 46, 50, 51 and 53 were allowed. Newly-added claims 59-68 are patentable for at least the reason that these claims depend from allowed independent claims. Newly-added claims 54-58 are patentable for at least the reasons that these claims depend from allowable independent claims for at least the reasons that are set forth below in the discussion of the §§ 102 and 103 rejections.

§ 103(a) Rejections of Claims 1 and 13:

As amended, the transmission system of independent claim 1 includes an additional transmitter module that contains second configuration information. The data management module accesses the first configuration information from the first transmitter module and accesses the second configuration information from the additional transmitter module for purposes of determining predefined transmission characteristics and modifying data flow management based on the predefined transmission characteristics.

A *prima facie* case of obviousness requires the Examiner to show where the prior art contains the alleged suggestion or motivation for the combination of references to derive the claimed invention. M.P.E.P. § 2143. Thus, the Examiner must show that one skilled in the art, *without knowledge of the claimed invention*, would have derived the claimed invention in view of the hypothetical combination of Zhang and Bailey to derive the limitations of claim 1. As amended, claim 1 recites a data management module that accesses configuration information from a first transmitter module and an additional transmitter module. Thus, a *prima facie* case of obviousness requires the Examiner to specifically show where the prior art contains the suggestion or motivation to modify Zhang's RADSL transmitter.

However, neither Zhang nor Bailey contain a suggestion or motivation to modify Zhang's RADSL system so that the bit rate conversion device 904 controls two RADSL transmitters 906. Thus, applying Bailey in view of Zhang would, at best, arguably produce a system that includes duplicate integrated bit conversion and transmission devices 902, not a bit conversion device 904

that accesses configuration information from two RADSL transmitters 906. Therefore, for at least the reason that the prior art fails to contain the suggestion or motivation for the modification of Zhang to derive the claimed invention, withdrawal of the § 103(a) rejection of independent claim 1 is requested.

Claim 13 is patentable for at least the reason that this claim depends from an allowable independent claim.

§ 102(e) Rejections of Claims 39, 40, 41, 44 and 45:

As amended, the transmission system of independent claim 39 includes a transmitter module that contains configuration information that specifies at least one predefined transmission characteristic defining a limitation of the transmitter module.

In contrast, Zhang discloses that the RADSL transmitter 96 communicates a "channel capacity" that is supported by the RADSL channel to the bit rate conversion device 904. *See, for example,* Zhang, 16:57-62.

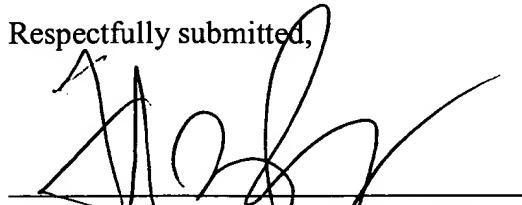
Thus, Zhang fails to teach or even suggest a transmitter module that contains configuration information that defines a capability of the transmitter module, as specifically set forth in amended independent claim 39. As such, withdrawal of the § 102(e) rejection of independent claim 39 is requested.

Claims 40, 41, 44 and 45 are patentable for at least the reason that these claims depend from an allowable independent claim.

CONCLUSION

In view of the foregoing, withdrawal of the remaining §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0084US).

Respectfully submitted,


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